

CITY OF MILPITAS
NOTICE OF PUBLIC HEARING ON
RESOLUTION DECLARING INTENTION TO ANNEX REAL PROPERTIES WITHIN TRACT NO. 10305
INTO THE COMMUNITY FACILITIES DISTRICT NO. 2008-1 AND
TO LEVY AND COLLECT SPECIAL TAX FOR PUBLIC SERVICES

Exhibit 3

NOTICE IS HEREBY GIVEN that the City Council of the City of Milpitas on August 2, 2016, adopted Resolution No. _____, in which it declared its intention to annex real properties within tract no. 10305 into the community facilities district no. 2008-1 as CFD 2008-1 Annexation No. 9, to levy and collect special tax for public services, within CFD 2008-1 Annexation No. 9, and fixing the time and place of a public hearing on said resolution of intention for Tuesday, September 6, 2016, at the hour of 7:00 p.m., or as soon thereafter as the matter may be heard, at the City Hall Council Chambers, 455 East Calaveras Blvd., Milpitas, California all pursuant to the provisions of the California Government Code Sections 53339 to 5339.9.

Resolution No. _____, adopted on August 2, 2016, provides in summary as follows:

1. The City council declared its intention to conduct proceedings for the annexation of territory to City of Milpitas Community Facilities District No. 2008-1 ("CFD 2008") of the territory described in Exhibit 2 to Resolution No. _____. The City Council determined that public convenience and necessity require that such territory be annexed to CFD 2008.
2. The types of public services are the same as the ones for CFD 2008 and the rate, method of apportionment and manner of collection of special tax are the same as the ones for CFD 2008. The types of public services and descriptions of rate, method of apportionment and manner of collection of special tax are set forth in Exhibit 1 to Resolution No. _____.
3. There is no alteration in the special tax rate to be levied in CFD 2008 as a result of the proposed Annexation No. 9. The maximum tax rate in CFD 2008 will not be increased as a result of the proposed Annexation No. 9. The resolution describes the boundaries of the proposed annexation. For further details, the resolution is available in the office of the City Clerk at City Hall, 455 East Calaveras Blvd., Milpitas, California.
4. A public hearing on the annexation of territory to CFD 2008 shall be held at 7:00 p.m. on September 6, 2016, at the City Hall Council Chambers at 455 East Calaveras Blvd., Milpitas, California.
5. The City Clerk shall publish a notice of the public hearing once not later than seven days prior to the date fixed for the hearing, in *The Milpitas Post*, a newspaper of general circulation published in the City of Milpitas.

Resolution No. _____ contains other provisions which are not summarized above. Copies of Resolution No. _____ may be reviewed or obtained at in the office of the City Clerk at City Hall, 455 East Calaveras Blvd., Milpitas, California.

NOTICE IS HEREBY FURTHER GIVEN that the City Council has fixed Tuesday, September 6, 2016, at the hour of 7:00 p.m., or as soon thereafter as the matter may be heard, at City Hall Council Chambers, 455 East Calaveras Blvd., Milpitas, California, as the time and place when and where the City Council will hold a public hearing to consider the proposed CFD 2008-1 Annexation No. 9, all pursuant to California Government Code Sections 53339.4 and 53322. At the hearing, the testimony of all interested persons, including all persons owning property, the registered voters and/or taxpayers within the boundary of the proposed CFD 2008-1 Annexation No. 9, for or against the annexation and the levy of the special tax will be heard.

At such public hearing, protests against the proposed annexation of the territory or any other proposals contained in Resolution No. ____ may be made orally by any interested person. Any protest pertaining to the regularity or sufficiency of the proceedings shall be in writing and shall clearly set forth the irregularities or defects to which object is made. All written protests shall be filed with the City Clerk prior to the time fixed for the public hearing. Written protests may be withdrawn at any time before the conclusion of the public hearing.

Pursuant to Government Code Section 5339.6, if 50 percent or more of the registered voters, or six registered voters, whichever is more, residing within the existing community facilities district, or if 50 percent or more of the registered voters or six registered voters, whichever is more, residing within the boundary of the proposed CFD 2008-1 Annexation No. 9, or if the owners of one-half or more of the area of land in the territory included in the district and not exempt from the special tax, file written protests against the proposed CFD 2008-1 Annexation No. 9, and

protests are not withdrawn so as to reduce the protests to less than a majority, the proposed CFD 2008-1 Annexation No. 9 and the tax levy shall not be considered for a period of one year from the date of the decision of the City Council after the hearing.

The hearing may be continued from time to time, but shall be completed within 30 days. At the conclusion of the public hearing, the City Council may (1) abandon the proceedings, (2) after passing upon all protests, submit the question of levying a special tax with the proposed CFD 2008-1 Annexation No. 9 to the qualified electors of the area proposed to be annexed.

Upon conclusion of the public hearing, if the City Council determines to proceed with the annexation to CFD 2008, a proposition to authorize the levy of the special tax within the territory proposed to be annexed shall be submitted to the qualified electors within the proposed CFD 2008-1 Annexation No. 9. The vote shall be by registered voters within the proposed CFD 2008-1 Annexation No. 9; however, if there are less than 12 registered voters, the vote shall be by landowners, with each landowner having one vote per acre or portion thereof within CFD 2008-1 Annexation No. 9.

If two-thirds of the votes cast on the proposed CFD 2008-1 Annexation No. 9 are in favor of levying the special tax, City Council shall determination the proposed CFD 2008-1 Annexation No. 9 is added to and part of the existing community facilities district with full legal effect and the City council may levy any special tax within the boundary of proposed CFD 2008-1 Annexation No. 9.

Upon City Council's determination that the proposed CFD 2008-1 Annexation No. 9 is added to the existing community facilities district, the City Clerk shall record notice of the annexation pursuant to Section 3117.5 of the California Streets and Highways Code.

DATED: _____, 2016

Mary Lavelle, City Clerk,
City of Milpitas.